

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-10 are now present in the application. The specification, the abstract, and claims 1-4 have been amended. Claims 5-10 have been added. Claims 1 and 7 are independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 3-4 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant greatly appreciates the indication of allowable subject matter by the Examiner. By the present amendment, independent claim 7 has been added to include a portion of the subject matter of dependent claim 3, as discussed hereinbelow.

Specification Objections

The specification and the abstract have been objected to due to the presence of minor informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that these objections have been addressed. Accordingly, Applicant respectfully submits that

these objections have been obviated and/or rendered moot. Reconsideration and withdrawal of these objections are respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter, which Applicant regards as the invention. This rejection is respectfully traversed.

As the Examiner will note, claims 1-4 have been amended to address the Examiner's requested changes. Accordingly, claims 1-4 are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dixon et al., U.S. Patent No. 6,024,413 in view of Okajima, U.S. Patent No. 6,679,563. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that this rejection has been obviated and/or rendered moot. As the Examiner will note,

independent claim 1 has been amended to recite a combination of elements including "said cushion member including a main portion and a bottom portion, said bottom portion extending from said main portion into said spoke hole with said main portion being outside said spoke hole". Applicant respectfully submits that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

Dixon discloses an instant bicycle wheel assembly. In particular, Dixon teaches that a cushion member 42 disposed at the top of the spoke load bearing portion 11 (see FIGs. 2 and 4B). However, FIGs. 2 and 4B of Dixon fail to teach the above combination of elements as set forth in amended independent claim 1 because the cushion member 42 in FIGs. 2 and 4B does not have a bottom portion extending into the spoke hole 41.

Dixon also teaches "the spoke hole 41 may have a sidewall keyway recess for retaining screw insert 42" (see col. 7, lines 58-59). However, the above description does not teach the structure of the screw insert 42 and therefore also fails to teach the above combination of elements as set forth in amended independent claim 1.

With regard to the Examiner's reliance on Okajima, this reference has only been relied on for its teachings of the spoke connection with the hub and the shape of the cushion member.

This reference also fails to disclose the above combination of the elements as set forth in amended independent claim 1. Accordingly, this reference fails to cure the deficiencies of Dixon.

Accordingly, none of those references individually or in combination teach or suggest the limitations of amended independent claim 1. Therefore, Applicant respectfully submits that all of claims 1-6 clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Additional Claims

Additional claims 5-10 have been added for the Examiner's consideration.

Applicant respectfully submits that claims 5 and 6 are allowable due to their respective dependence on independent claim 1, as well as due to the additional recitations included in these claims. In particular, claim 5 recites "a perimeter of said main portion is larger than a perimeter of said bottom portion" and claim 6 recites "said cushion member has a T shape". These features are not found in the prior art. They provide for a design which will prevent the cushion member from getting through the spoke hole.

Nevertheless, independent claim 1 sets forth a bicycle spoke fixture assembly which is neither suggested nor rendered obvious by the prior art utilized by the Examiner. Favorable consideration and allowance of claims 1-6 are respectfully requested.

In addition, independent claim 7 has been added to include a portion of the subject matter of dependent claim 3 including "said cushion member comprising two semi-circular arc positioning pillars extended into said spoke hole", which was indicated by the Examiner as including allowable subject matter.

Accordingly, it is believed that independent claim 7 and its dependent claims 8-10 are in condition for allowance. Favorable consideration and allowance of additional claims 7-10 are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

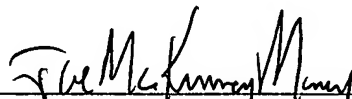
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$55.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Joe McKinney Muncy
Reg. No. 32,334

KM/GH/mmi/asc
2450-0641P

6/10

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000